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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA – SOUTHERN DIVISION

DANICA PRIETO,

Plaintiff,

vs.

NATIONAL ASSET RECOVERY
SYSTEMS, LLC; and DOES 1 through 10,
inclusive,

Defendants.

Case No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

(Unlawful Debt Collection Practices)

Demand Does Not Exceed \$10,000

COMPLAINT

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff, Danica Prieto, an individual consumer, against Defendant, National Asset Recovery Systems, LLC, for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337.

Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that the Defendant transacts business here.

III. PARTIES

3. Plaintiff, Danica Prieto, is a natural person with a permanent residence in Henderson, Clark County, Nevada 89012.

4. Upon information and belief, the Defendant, National Asset Recovery Systems, LLC is a corporation engaged in the business of collecting debt in this state and in several other states, with its principal place of business located at 2625 Piedmont Road, Suite 56-284, Atlanta, Fulton County, Georgia 30324. The principal purpose of Defendant is the collection of debts in this state and several other states, and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

6. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services, which are the subject of the transaction, are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

7. Within one (1) year preceding the date of this Complaint, Defendant, in connection with the collection of the alleged debt, attempted to communicate with Plaintiff at her place of

1 employment after being informed that this inconvenienced Plaintiff and/or was conduct
2 prohibited by Plaintiff's employer.

3 8. Within one (1) year preceding the date of this Complaint, Defendant, in connection
4 with the collection of the alleged debt, contacted Plaintiff and threatened to take legal action
5 against Plaintiff.

6 9. Defendant has no standing to commence legal proceedings on behalf of the creditor.

7 10. Defendant is a debt collection company and as a debt collection company attempting
8 to collect an alleged debt, Defendant can only refer the matter back to the creditor with a
9 recommendation that the original creditor attempt legal proceedings.

10 11. The representations made to Plaintiff by Defendant regarding legal proceedings were
11 false.

12 12. Within one (1) year preceding the date of this Complaint, Defendant, in connection
13 with the collection of the alleged debt, contacted Plaintiff by leaving a voicemail communication
14 for Plaintiff in which the Defendant did not identify that the communication was from a debt
15 collector.

16 13. The natural consequences of Defendant's statements and actions were to unjustly
17 condemn and vilify Plaintiff for her non-payment of the debt she allegedly owed.

18 14. The natural consequences of Defendant's statements and actions were to produce an
19 unpleasant and/or hostile situation between Defendant and Plaintiff.

20 15. The natural consequences of Defendant's statements and actions were to cause
21 Plaintiff mental distress.

22 16. Defendant utilized unfair and unconscionable means to collect on Plaintiff's alleged
23 debt by lying to and misleading Plaintiff.

V. CLAIM FOR RELIEF

17. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

18. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

- (a) Defendant violated §1692c(a)(1) of the FDCPA by communicating at a time or place known or which should be known to be inconvenient to the Plaintiff; and
- (b) Defendant violated §1692c(a)(3) of the FDCPA by communicating with the Plaintiff at the Plaintiff's place of employment when the Defendant knew or had reason to know that the Plaintiff's employer prohibits the Plaintiff from receiving such communication; and
- (c) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequences of which is to harass, oppress, or abuse any person in connection with the collection of an alleged debt; and
- (d) Defendant violated §1692d(2) of the FDCPA by using obscene or profane language or language the natural consequences of which is to abuse the hearer or reader in connection with the collection of an alleged debt; and
- (e) Defendant violated §1692e of the FDCPA by using a false, deceptive, or misleading representation or means in connection with the collection of the alleged debt; and

1 (f) Defendant violated §1692e(5) of the FDCPA by threatening to take action that
2 the Defendant does not intend to take and/or the Defendant cannot legally
3 take; and
4
5 (g) Defendant violated §1692e(10) of the FDCPA by using false representation or
6 deceptive means in connection with the collection the alleged debt; and
7
8 (h) Defendant violated §1692e(11) of the FDCPA by failing to disclose in a
9 communication subsequent to the initial communication that was not a formal
10 pleading that the communication was from a debt collector; and
11
12 (i) Defendant violated §1692f of the FDCPA by using unfair or unconscionable
13 means in connection with the collection of an alleged debt.

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15 19. Defendant's acts as described above were done intentionally with the purpose of
coercing Plaintiff to pay the alleged debt.

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17 20. As a result of the foregoing violations of the FDCPA, Defendant is liable to the
Plaintiff, Danica Prieto, for declaratory judgment that Defendant's conduct violated the FDCPA,
18 actual damages, statutory damages, and costs and attorney fees.

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21 **WHEREFORE**, Plaintiff respectfully requests that judgment be entered against Defendant,
22 National Asset Recovery Systems, LLC, for the following:

23 A. Declaratory judgment that Defendant's conduct violated the FDCPA.
24 B. Actual damages.
25 C. Statutory damages pursuant to 15 U.S.C. § 1692k.
26 D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k.

1 E. Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under
2 the law.
3
4 F. For such other and further relief as the Court may deem just and proper.

5 **DEMAND FOR JURY TRIAL**

6 PLEASE TAKE NOTICE that Plaintiff, Danica Prieto, demands trial by jury in this
7 action.

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9 RESPECTFULLY SUBMITTED,
10 **PRICE LAW GROUP, APC**

11 DATED: April 16, 2013

12 By: Janice Smith
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